

REPORT

Trends in State Legislatures in 2022: State and Federal Governments Become More Intertwined with Gridlock, Supreme Court Decisions

| Quorum State

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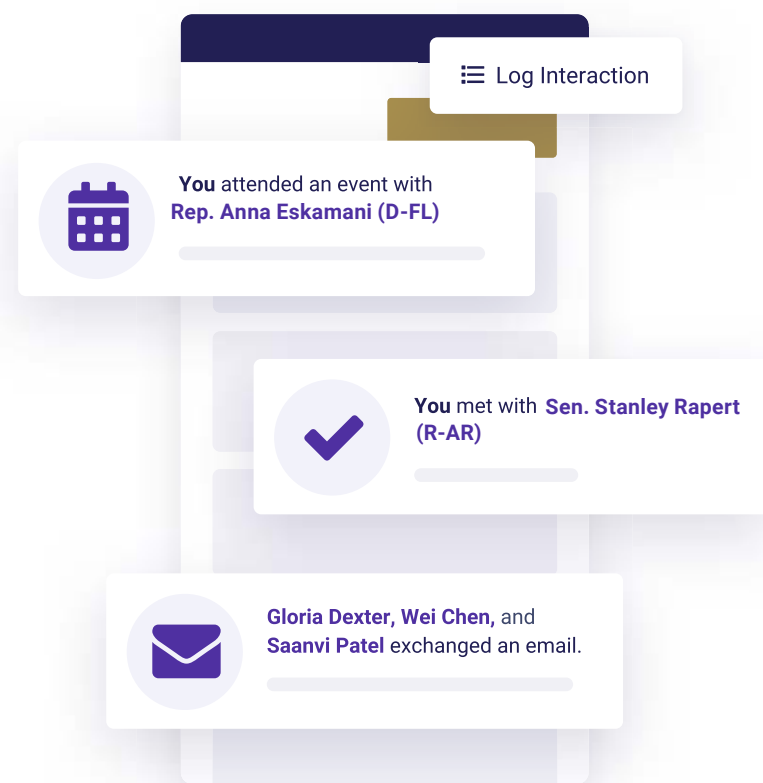
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Trends in State Legislatures in 2022: State and Federal Governments Become More Intertwined with Gridlock, Supreme Court Decisions

Most of the time, the federal government dominates the news. While your state's Senators or Representatives may be household names, you can't say the same about your state legislators.

But in 2022, more than in most years, the story of the federal legislature and the states are intimately intertwined. It started with the states redrawing district lines for Congress in the once-a-decade redistricting process, but this time rife with legal battles. A lack of bipartisanship in Congress and a Supreme Court with a 6-3 conservative majority led a plethora of issues to be formally or informally delegated to states to decide how to proceed.

Methodology: The data in this report covers legislative activity and dialogue from January 1 to August 15, 2022. Data is collected and analyzed using Quorum State, a legislative tracking and legislative engagement platform for public affairs teams. Twitter dialogue includes official legislative accounts and campaign accounts. To learn more about Quorum State, visit quorum.us/state.



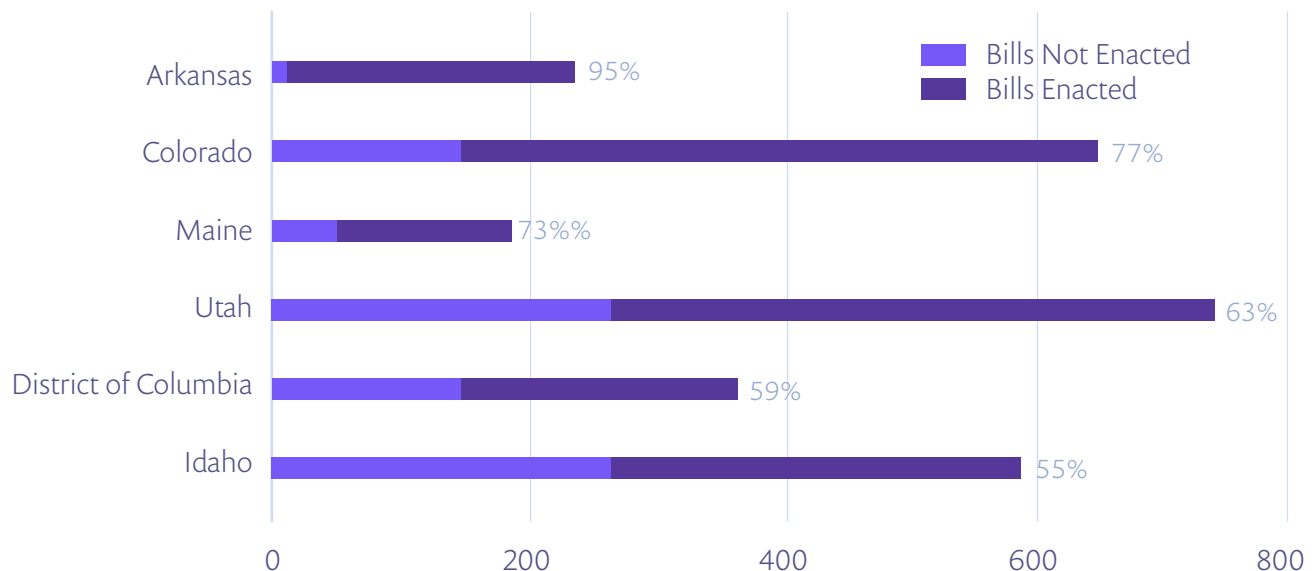
State Legislators Introduced 70,620 Bills in 2022

Adding in carryover bills from 2021, states considered 135,191 bills in 2022. Including carryover, New York was the most active with 18,615 bills. Excluding carryover, their neighbor New Jersey took the top spot with 8,195.

But, comparing the state legislative activity of different states is a bit like comparing apples to oranges. In other words, not all bills introduced are created

equal. A number of factors impact the number of bills introduced and enacted in a state such as the length of the session, whether the legislators are full time or part time, and the level of staffing present in a given legislature. Let's dive into some of the nuances in the trends of number of bills considered in 2022:

States with Greater Than 50% of Bills Enacted



Six States Enacted More than 50% of Bills Introduced in 2022

In these six states, any bill introduced is more likely to pass than not. Arkansas embodies this trend best, where 95% of bills introduced were enacted. To achieve this percentage, Arkansas introduces a small quantity of bills. Out of 48 states that had sessions in 2022, the Arkansas legislature introduced the 47th most bills — but enacted the 22nd most.

Tips for Public Affairs Teams

If you're lobbying in a state like Arkansas, Colorado, Maine, Utah, DC, or Idaho, you don't have time to wait until you receive a bill alert to start your influence campaign. Instead, look to legislators' social media and other primary source documents as an early warning system of potential bills they will introduce when session kicks off.

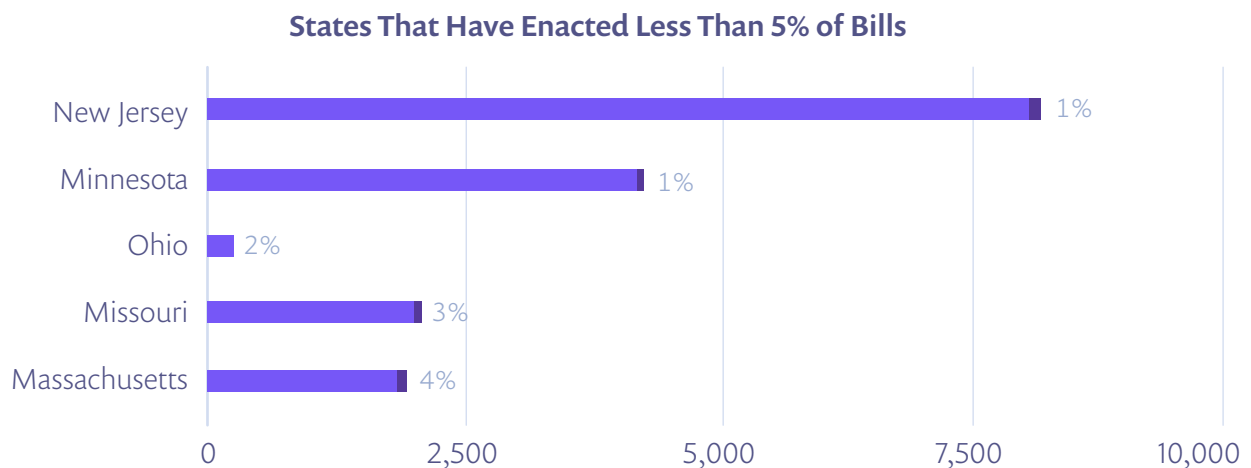
Learn how Destinations International built their state legislative strategy with social media tracking at quorum.us/destinations.

| TOTAL BILLS INTRODUCED BY STATE LEGISLATURES

In Arkansas, the session only lasts for 60 days, meaning there isn't time for legislators to push a high volume of bills to the floor. Additionally, Arkansas has a Republican

trifecta, meaning bills may move more easily without significant friction from Democrats.

Nine States Have Enacted Less than 5% of Bills Introduced



While in Arkansas a bill that is introduced being enacted is as likely as cake on your birthday, in nine states, the inverse is true. In these states, you can rely on alerts to a legislator introducing a new bill as the time to kick off your influence because it's still an uphill battle to get across the finish line. New Jersey sees the fewest percentage of its introduced bills be enacted, with only 1.34 percent signed by Governor Phil Murphy.

New Jersey has a longer legislative term relative to other states, going until December 31, 2022 this year. While most other states wrapped up sessions in the spring and summer, New Jersey legislators are still working and still have time to enact more of the bills introduced early in the session.

Tips for Public Affairs Teams

With bills introduced in a flurry at the beginning of the year, but moving slowly through a year-long session, make sure to have a system for tracking bill movement through each stage of the process. See how the Sierra Club tracks state bill activity in Quorum at quorum.us/sierra/.

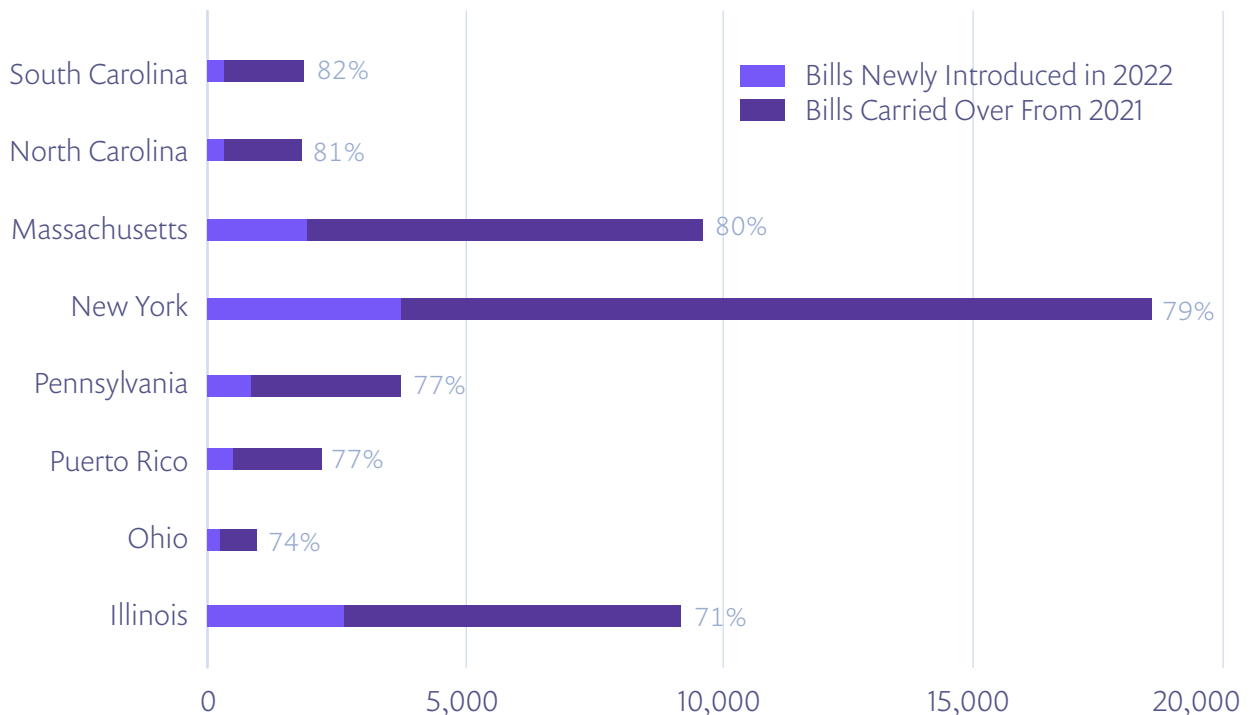
“We really have to figure out the culture of the legislature [for planning a day at the capital]. There are some obstacles in certain legislatures. Some legislators might not have offices or only leadership may have offices or they might not have dedicated staff so it's a little bit more difficult to reach them, and those are all things we take into account when planning a capital day.”

-Meagan Forbes, Legislative Counsel, Institute for Justice



In Eight States, More Than 70% of Bills Considered in 2022 Were Carried Over from 2021

States with Greater than 70% of Bills Considered in 2022 That Were Carried Over From 2021



In some states, the legislative behavior varies from the first year of a biennium to the second. In year two, states have the option to carryover bills rather than having to reintroduce bills that weren't enacted at the end of the year. But the data shows the urgency or interest may be lost with carryover bills.

Let's use New York to illustrate this. New York carried over the most bills from 2021 to 2022 with 14,777. 133, or less than 1%, of those 14,777 have been enacted in 2022. In comparison, 15,629 were introduced in 2021 and 831 were enacted — 5% of bills. 3,850 have been introduced in 2022 and 421 have been enacted — 11% of bills. This suggests that bills are much more likely to be enacted within the same year they are introduced.

Tips for Public Affairs Teams

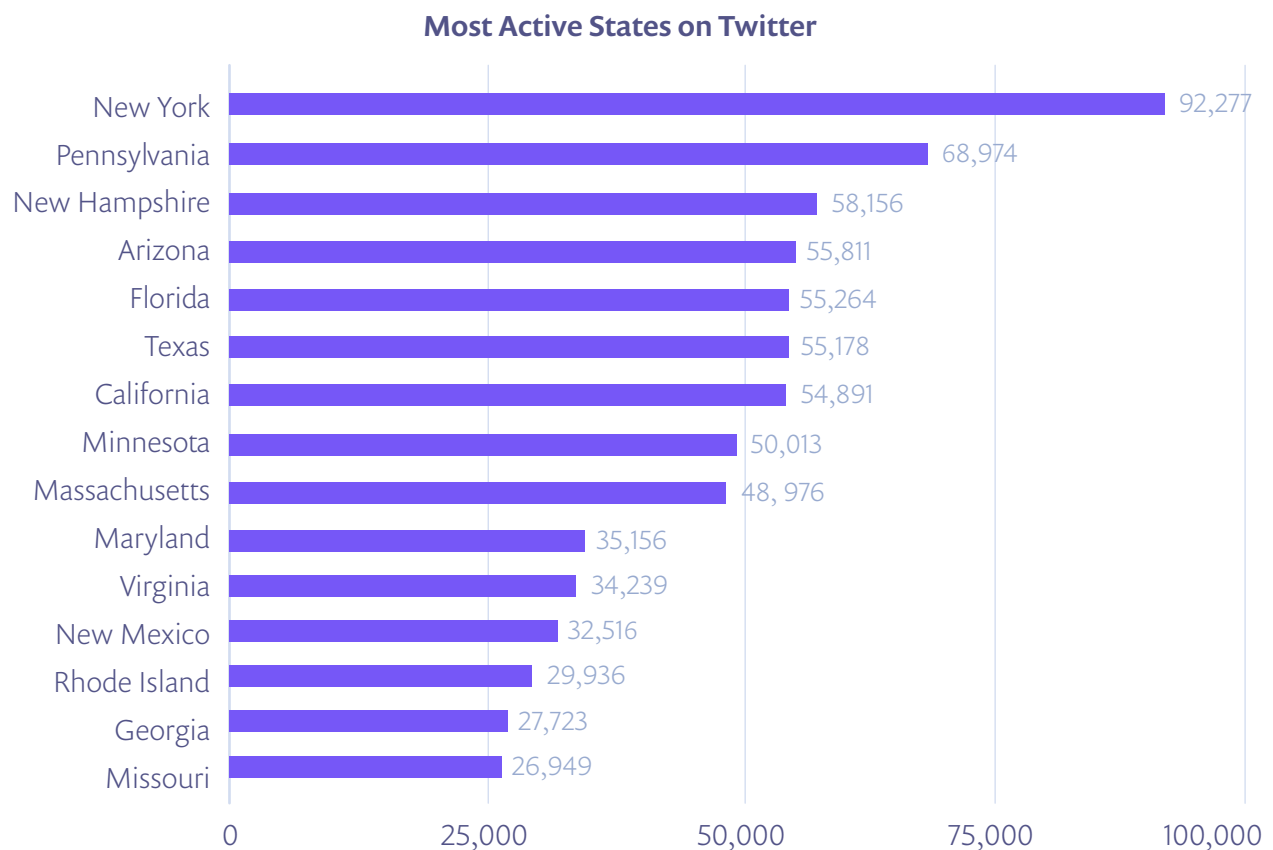
Carryover bills are complicated. On the positive side (if it's a bill you support), they aren't dead yet — they could still move. On the negative side, the likelihood of passing is much lower. So, if a bill you care about isn't enacted in the first year of a biennium, there's two approaches you can take. If you're working on a high volume of bills and have to ruthlessly prioritize, you should keep watching it if it's carried over into the second year, but prioritize newly introduced bills that have a better chance of moving. If the bill is high priority and you have the capacity, use grassroots advocacy to move the needle on the urgency of a bill. Have your advocates send emails and make phone calls on the importance of the bill, then have your lobbyists bring statistics on the number of actions you drove when they have meetings with legislators to try and show that the issue should be a priority. Learn from examples of success grassroots campaigns at quorum.us/GrassrootsExamples/.

State Legislators Posted on Social Media 1.57 Million Times in 2022

During an election year, legislators are looking for any channel they can find to connect with their constituents. While social media is certainly not new, officials are consistently finding new ways to use these platforms. While Twitter still takes the top spot for volume, the gap between Facebook and Twitter shrunk this year as Facebook campaigning picked up. As we

see across society, social media habits are shifting off of Facebook and towards other platforms, like Twitter. In 2022, legislators tweeted 1.16 million times between January 1st and August 15th, 2022. They posted on Facebook 401,883 times. During the same period in 2021, legislators tweeted 1.29 million times and posted on Facebook 362,905 times.

The New York Legislature's Tweet Volume is More Than 23,000 Higher Than Second Most Active



Legislators in the New York legislature tweeted 92,277 times in the first 8.5 months of 2022, with Pennsylvania (68,974 tweets) and New Hampshire (58,156 tweets) rounding out the top 3. New York topped the list despite the fact that it has fewer legislators (210) than Pennsylvania (252) and New Hampshire (412).

One official stands out from the rest in driving up this volume — Democratic Assemblywoman Yuh-Line Niou. Niou posted on Twitter 11,029 times, while the next highest New Yorker, Assemblywoman Deborah Glick, tweeted 3,374 times. Much of Niou's traffic on Twitter comes from her campaign account as

she ran for New York's 10th Congressional District in Congress. Niou uses her Twitter account not just as a microphone for her ideas but as a means of voter and constituent engagement. 3,261 of Niou's tweets are retweets, mostly from individuals who tweet at her to let her know they've contributed to her campaign or voiced support.

Pennsylvania Tops the Most Active List on Facebook

Pennsylvania Senator Doug Mastriano (R) drives 47% of the volume from the Keystone state, with 1806 Facebook posts this year. Rep. Anita Kulik (D), the next highest PA legislator, posted 1057 times in the 8.5 month period.

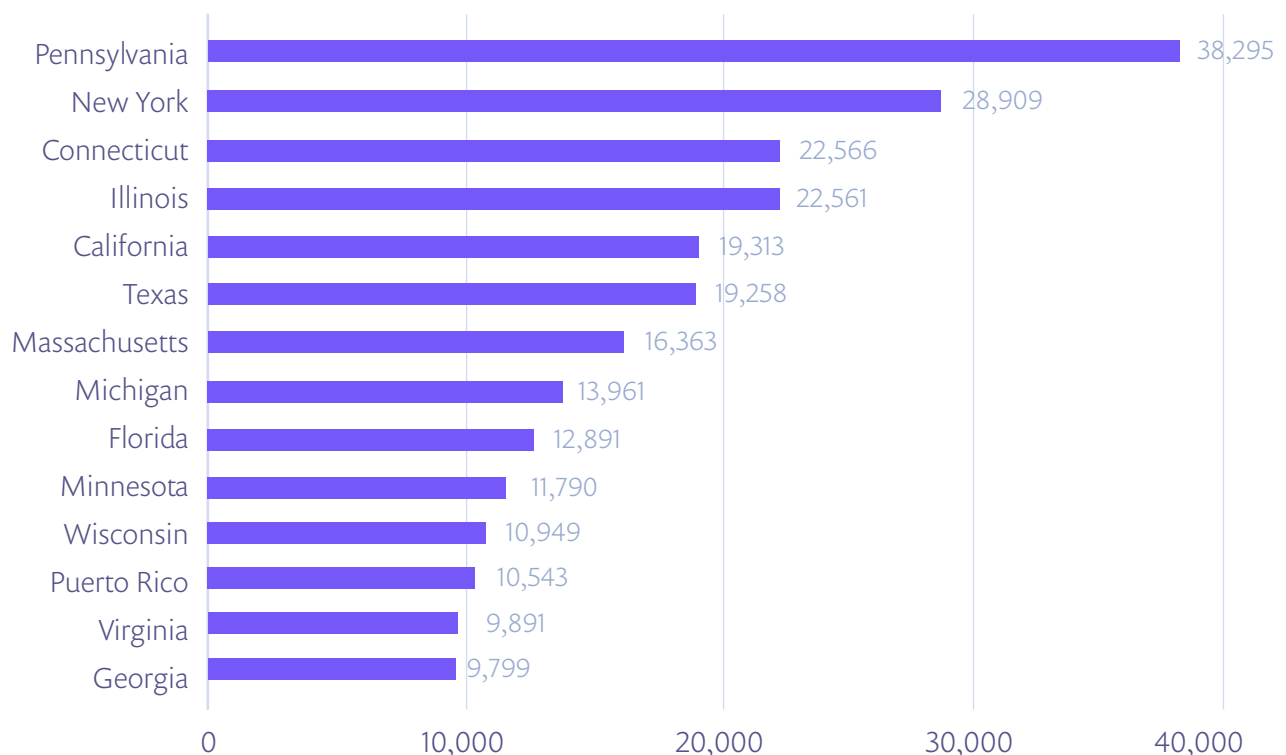
Mastriano is the Republican party's nominee for Pennsylvania's governor race. He uses Facebook as his

Tips for Public Affairs Teams

Making social media a part of your advocacy strategy is especially effective because your advocacy messages are public. While voters may not know whether or not a legislator replies to their constituents' emails, they can see if the official replies to social media comments from followers. Legislators like Niou show your advocates that their messages aren't going into the void. Learn from the ALS Association about how to incorporate social media into your advocacy strategy at quorum.us/SocialForAdvocacy/.

campaign's main megaphone while avoiding mainstream media and refusing to allow reporters into rallies.

Most Active States on Facebook



Issues Delegated to the States

Whether formally (through the courts) or informally (through Congressional inaction), state legislatures gained significant power in 2022 on high-profile issues in the United States.

Here, we dig into a few of those issues:

Abortion

The idea that the Supreme Court could overturn *Roe v. Wade* had been a known possibility since the Court took a conservative turn with the confirmations of Justices Gorsuch, Kavanaugh, and Barrett during the Trump administration. That idea became a reality on June 24th (weeks after the Court opinion was historically leaked on May 2, 2022). With the decision, the Court handed power to state legislatures to set rules on a person's ability to get an abortion.

Question

How did federal dynamics impact your state legislative affairs work this year?

Answer

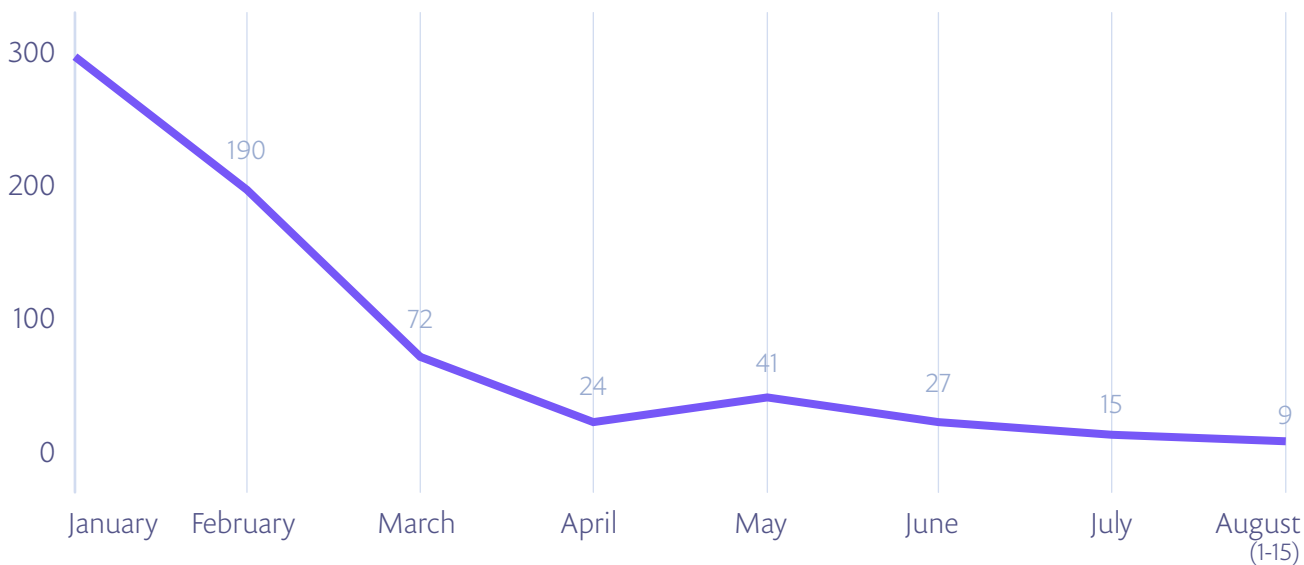
Unfortunately, it led to an increase in partisan division. But, the federal funding windfall really led to some innovative and well thought out spending plans from states.

-Cody Allen, Policy Analyst Council of State Governments, South



Slight Bump in Bills Introduced After Roe Leak

Number of Bills with Legislative Movement Each Month



Usually, state legislatures see peaks of bill activity in January and February at the beginning of sessions, then that number tapers off until the end of the year. On abortion, volume picked back up in May and June with

renewed interest in the issue. Missouri topped all states with 61 bills mentioning abortion in 2022.

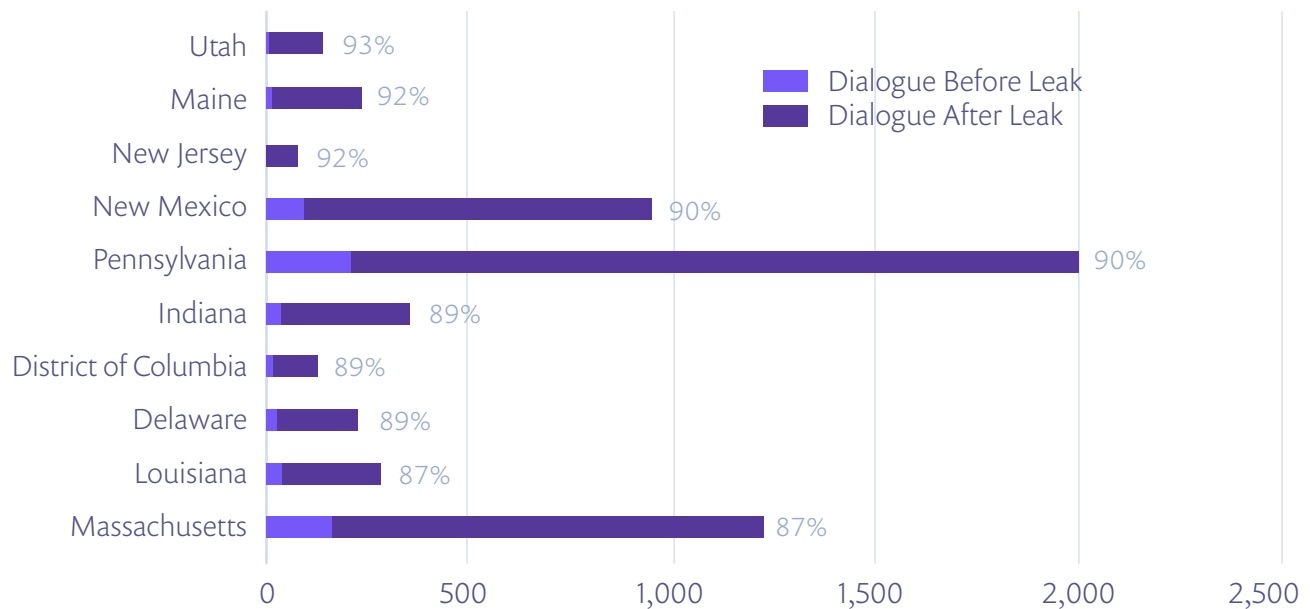
In 3 States, More Than 90% of Mentions of Abortion Came After May 2nd Leak

POLITICO first leaked the decision to overturn Roe v. Wade late on Monday, May 2nd. From January 1st to May 2nd, state legislators had tweeted about abortion 7,335 times. From May 3rd to August 15th, that number was 24,200. 76.74% of state legislators' mentions of abortion came after May 3rd.

In 10 states in particular, abortion was not on the table as a topic of discussion before the leak and jumped in conversation following the leak.

In Utah, legislators mentioned abortion only five times on social media prior before May 3rd, but 131 times after that. In four states and DC, legislators mentioned abortion less than 10 times prior to May 3rd.

States with Highest % of Abortion Mentions After May 2nd Leak



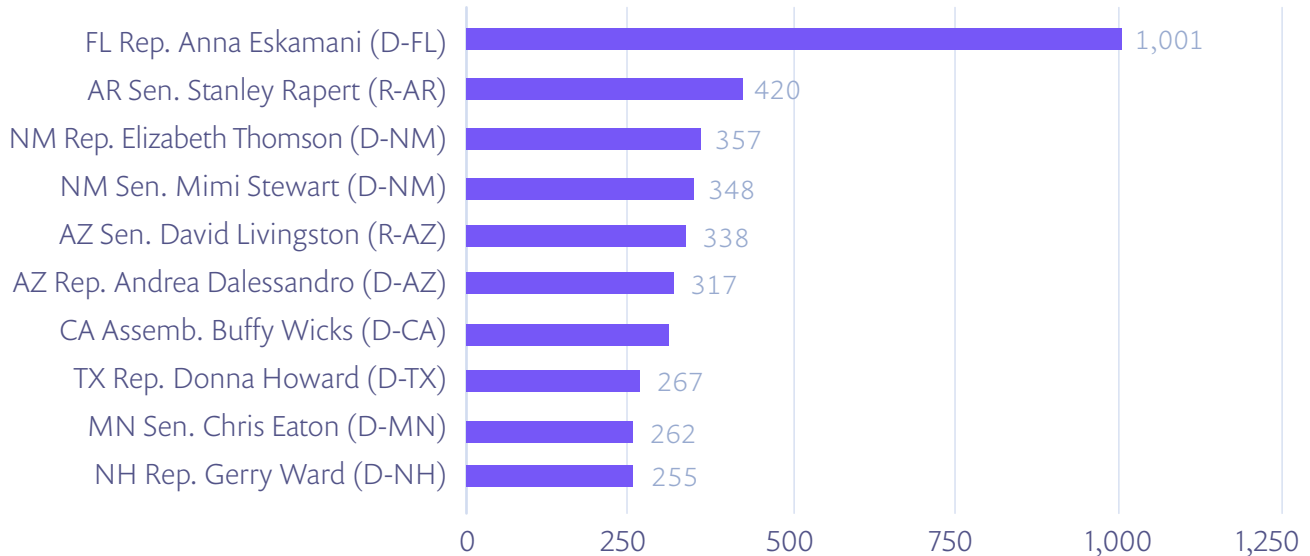
Tips for Public Affairs Teams

The spike in dialogue after the leak of the Supreme Court decision was much more significant than the spike in bills introduced. With the leak happening in early May and the official decision coming out in late June, many state legislatures were already winding down. As a result, legislators may think they are able to avoid controversial issues because they aren't forced to vote on it immediately. If you're working on

an issue that sees a change in the policy landscape when legislatures are out of session, use evergreen grassroots advocacy campaigns to keep the topic top of mind until the session restarts. Learn how the Air Line Pilots Association kept the heat on legislators with grassroots messages even when they were out of office at quorum.us/ALPA/.

Rep. Anna Eskamani (D-FL) has Mentioned Abortion Over 1000 Times on Social Media

Most Active Legislators on Abortion on Social Media



The next closest legislator, Arkansas Senator Stanley Rapert (R-AR), mentioned abortion 420 times. Before state politics, Eskamani worked at Planned Parenthood for six years, most recently as the Senior Director of Public Affairs and Communications for Planned Parenthood of Southwest and Central Florida.

Rapert on the other hand wrote the bill to create the country's strictest abortion laws that banned the practice at 12 weeks of pregnancy. While other states introduced fetal heartbeat bills at the time, Rapert's 2013 bill made it the farthest as the legislature overturned the governor's veto of the bill to enact the policy in Arkansas. The bill was later blocked by a federal judge.



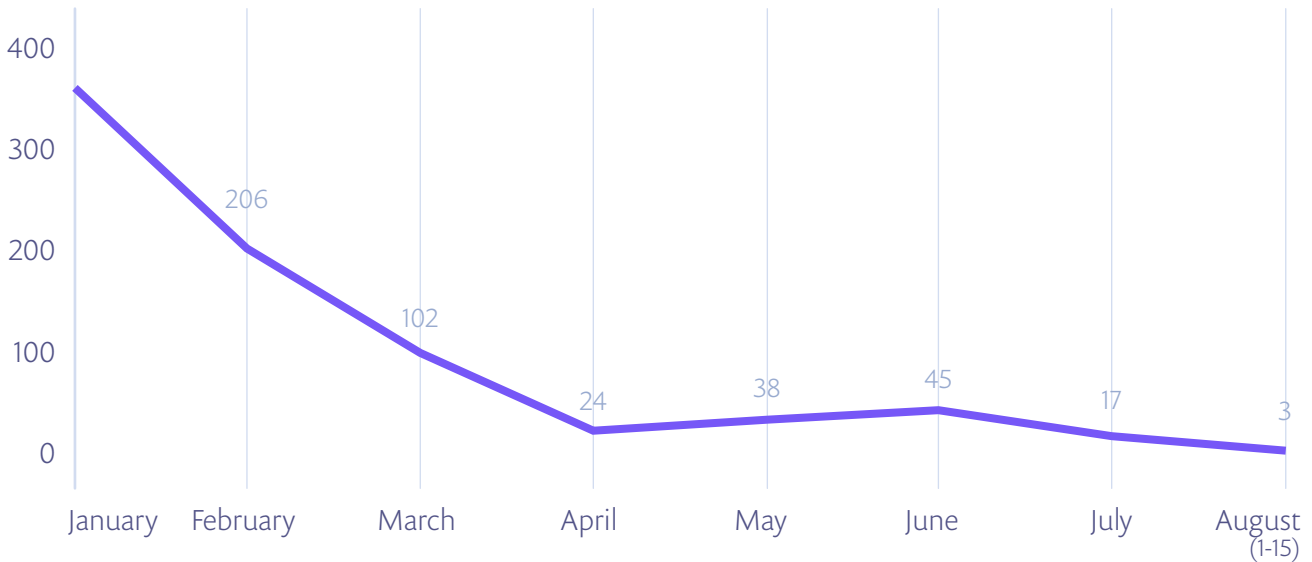
Guns

On the same day the Supreme Court overturned *Roe v. Wade*, Congress passed its most significant gun bill in decades — a gun safety bill that still stopped short of the demands of gun control advocates. However, just the day before, the Supreme Court made its first

Second Amendment ruling in more than a decade saying “law-abiding Americans have the right to carry handguns outside of the home.” With the federal government continuing to move slowly on gun control, gun owners’ rights largely still lie in the hands of state legislatures.

Activity on Gun Bills Saw Upward Spike in May

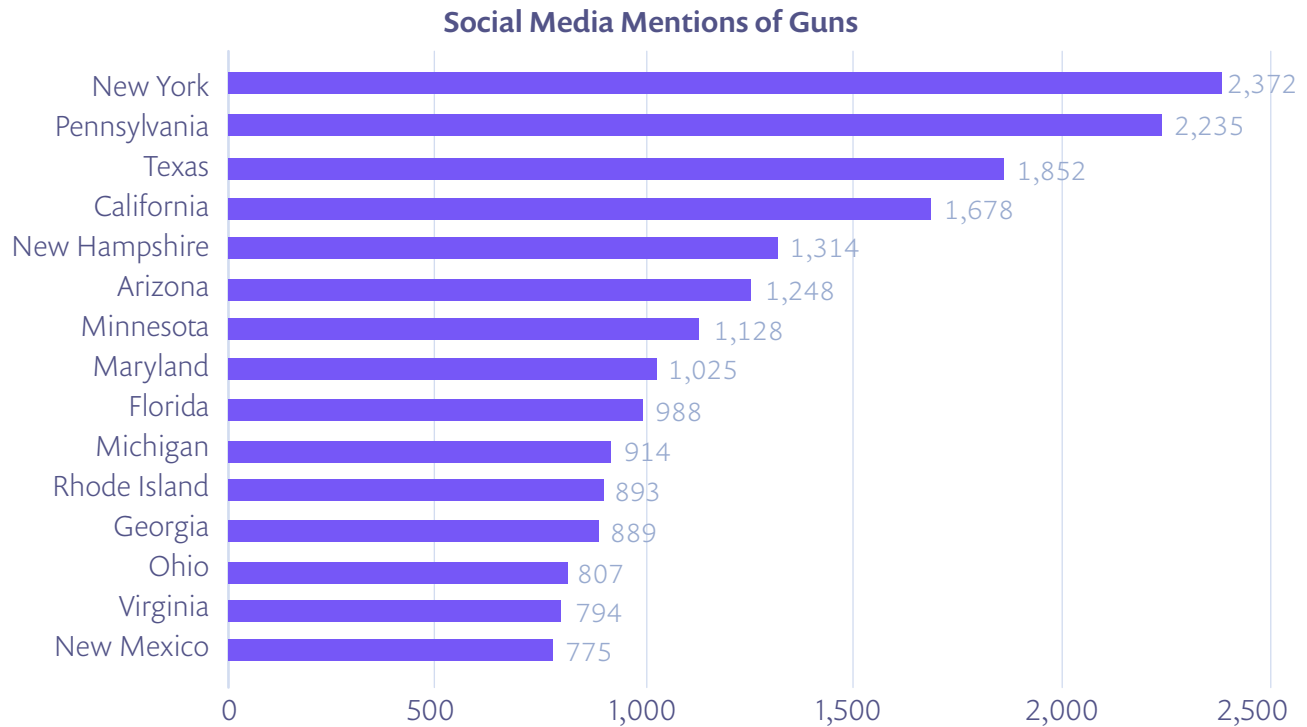
Number of Gun Bills Introduced Per Month in 2022



Like abortion, gun legislation did not follow the typical trajectory of consistent month-over-month decline in bills introduced after January and February and saw an upward trend in May and June after high-profile mass shootings in Buffalo, New York (May 14) and Uvalde, Texas (May 24). Legislators introduced 38 bills in May and 45 in June. Like abortion, these landscape-changing

events came as many legislatures were winding down for the year.

New York specifically introduced 15 bills mentioning guns following the violence in Buffalo with bills related to licensing, firearm sales, and dissemination of instructions for “ghost guns,” among other topics.



Texas Democrats Turns to Social Media with State Out of Session

Texas was not in session in 2022 and so did not have a legislative response to the shooting in Uvalde. However, Democrats in Texas took to social media, mentioning “gun” on Twitter or Facebook 1,298 times following Uvalde. This is compared to 147 mentions by Republicans even though Republicans outnumber Democrats in the legislature 83 to 65 in the Texas House of Representatives and 18 to 13 in the Texas Senate.

New York and Texas were the 1st and 3rd most vocal on guns on social media, respectively, in 2022.



Vaccines

In January, the Biden administration was dealt a blow in its fight against the COVID-19 pandemic when the Supreme Court blocked the White House's vaccine mandate for the nation's largest employers. While the Court allowed the administration to mandate vaccines

at facilities receiving federal funding, states held the power to create mandates for private employers.

In year 3 of the COVID-19 pandemic, what legislation and conversation did states continue to put forth?

COVID Still Impacting the Way Legislators Engage with Advocacy and Lobbying Organizations

Quorum surveyed state government affairs professionals on how COVID continued to impact their interactions with legislators in 2022. Most of them responded that virtual legislative meetings are here to stay in some capacity — for better or for worse:

ANTI-VIRTUAL MEETINGS

"More online access, but finding more ways for folks to digitally steamroll or ignore."

-Carly Ferro, Sierra Club



"More virtual meetings allow for more quantity, however quality is not always high — more pre-agreed "official messages" delivery, less on-the-side informal discussion."

-Jacques Ragot, Covestro



"Defaulting to virtual to avoid in-person interaction in some cases."

-Maureen Glynn, Issues Group



PRO-VIRTUAL MEETINGS

"Virtual meetings really give us more reach."

-Katherine Byers, Houston Food Bank



"More remote hiring of employees — good for access if you aren't in the capital city."

-Kim Malsam-Rysdon, Avera Health



"More Zoom meetings allow for more contact with Alliance members from across the State."

-Kelly Schultz, Missouri State Alliance of YMCAs



"Meetings seem to be more focused, less small talk. Double-edged sword though!"

-Nick Willis, National Strategies



States Were More Likely To Prohibit Mandates than to Implement Them Like Biden Wanted

The Biden administration tried to mandate vaccines among large employers, but the states were not having it. Instead, legislators drafted bills that banned such mandates.

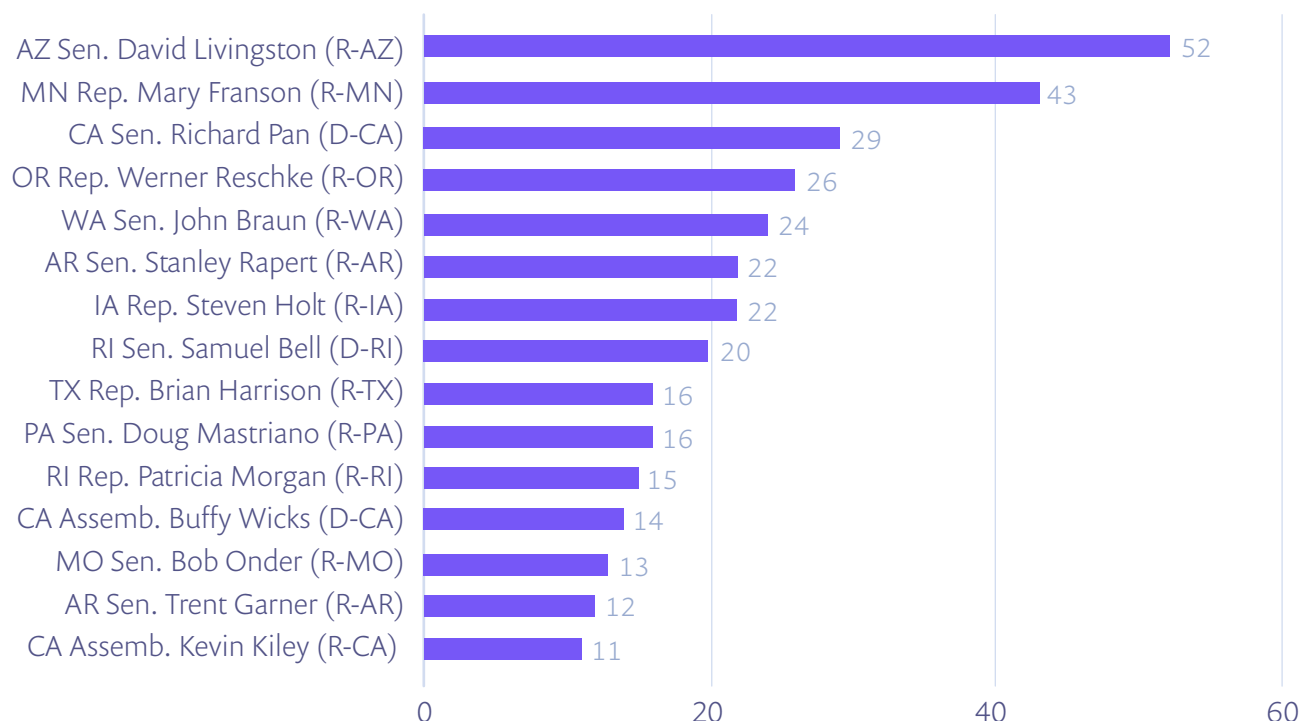
Of five enacted bills mentioning “vaccine mandate”, all moved to prohibit such mandates. For example, New Hampshire enacted H.B. 1455 which prohibits state law enforcement of any federal law, order, or rule that requires vaccination or testing more than once per month as a condition of employment. Tennessee passed a similar law on April 26th that went even further and prohibits COVID-19 vaccine mandates by governmental entities, schools, and local education agencies.

No states have implemented a mandate similar to that of the Biden administration. However, there have been proposals for particular population segments where mandates are narrowly tailored — something deemed acceptable in the Supreme Court’s decision.



States have targeted these policies toward state employees, health care workers, and school employees.

Legislators Who Have Mentioned “Vaccine Mandate” Most on Social Media



Republican Legislators Dominate the Dialogue in Protest of Mandates

Of 624 posts specifically mentioning vaccine mandates, 506 come from Republicans. While more significant volume from Republicans is expected given that there are more Republican state legislators, this imbalanced

measure shows that there is more push to prohibit these mandates than to create them. Nine of the top 10 most vocal legislators are Republicans.

Voting Rights and Election Practices

How states run elections has been a topic of heated debate since 2020, when governments adjusted voting practices to accommodate the demands of the COVID-19 pandemic, but claims of voter fraud ran wild. In preparation for the 2022 elections, that dialogue has kept up in state legislatures as they debate numerous methods of voting.

The power of states to influence elections may increase even more later this year when the Supreme Court hears a case concerning North Carolina's congressional maps. This case brings forward the possibility of the Court adopting the "Independent State Legislature Theory," which would take away the power of state executives to veto decisions made by the legislatures on the topic of elections.

Voter Registration is the Most Common Voting Topic Amongst State Legislatures

Comparing legislative activity on early voting, vote by mail, and voter registration, voter registration saw 5x the number of bills introduced compared to the other two. Legislatures enacted 167 bills out of 1015 introduced in 2022 on voter registration, compared to 34 and 228 for early voting and 34 and 232 for vote



by mail. These bills covered subtopics ranging from allocating funds for promoting voter registration to automatic voter registration or removing voters from the registration list.

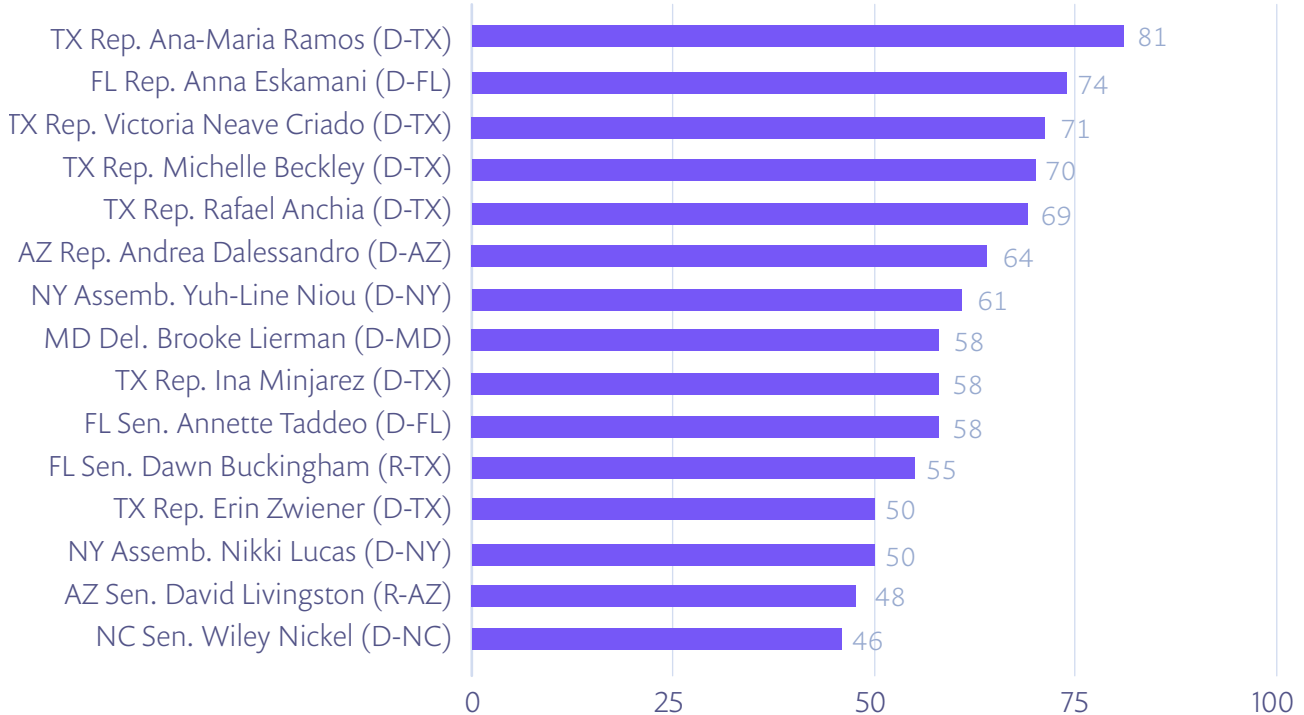
"The Supreme Court's decision will be enormously significant for presidential elections, congressional elections and congressional district districting," said J. Michael Luttig, a former federal appeals court judge. "And therefore, for American democracy."

-New York Times, Supreme Court to Hear Case on State Legislatures' Power Over Elections, June 30, 2022



Seven of the Top 15 Most Vocal Legislators on Voting Issues Were Texas Democrats

Mentions of Voter Registration, Vote by Mail, and Early Voting on Social Media



With Texas not in session in 2022, legislators could pivot their attention earlier to upcoming elections. Texas has made it more difficult to vote since 2020. For example, new ID requirements led to the rejection of 15% of all absentee votes in El Paso during the March state primary. In addition, a voter residency law requiring people who register using a PO box also provide proof of a home address. Despite the

court striking this law down earlier this month, decisions like this can cause confusion among voters. So, Texas Democrats are turning to social media to educate their constituents about how to check their voter registration status, find their polling place, and understand key deadlines.

Legislators on Social Media

One of the most important aspects of lobbying and advocacy is finding your champions — the legislators who will lead the charge on sponsoring bills on your issues, help connect you to other legislators, engage with your advocates, and help create change on your issues.

One of the ways to find your champions is to track what they say on social media. So who were 2022's busiest tweeters? Who took to Facebook the most? And what did they say?

New Mexico Democrat Liz Thomson Tops the List of Most Active Tweeters

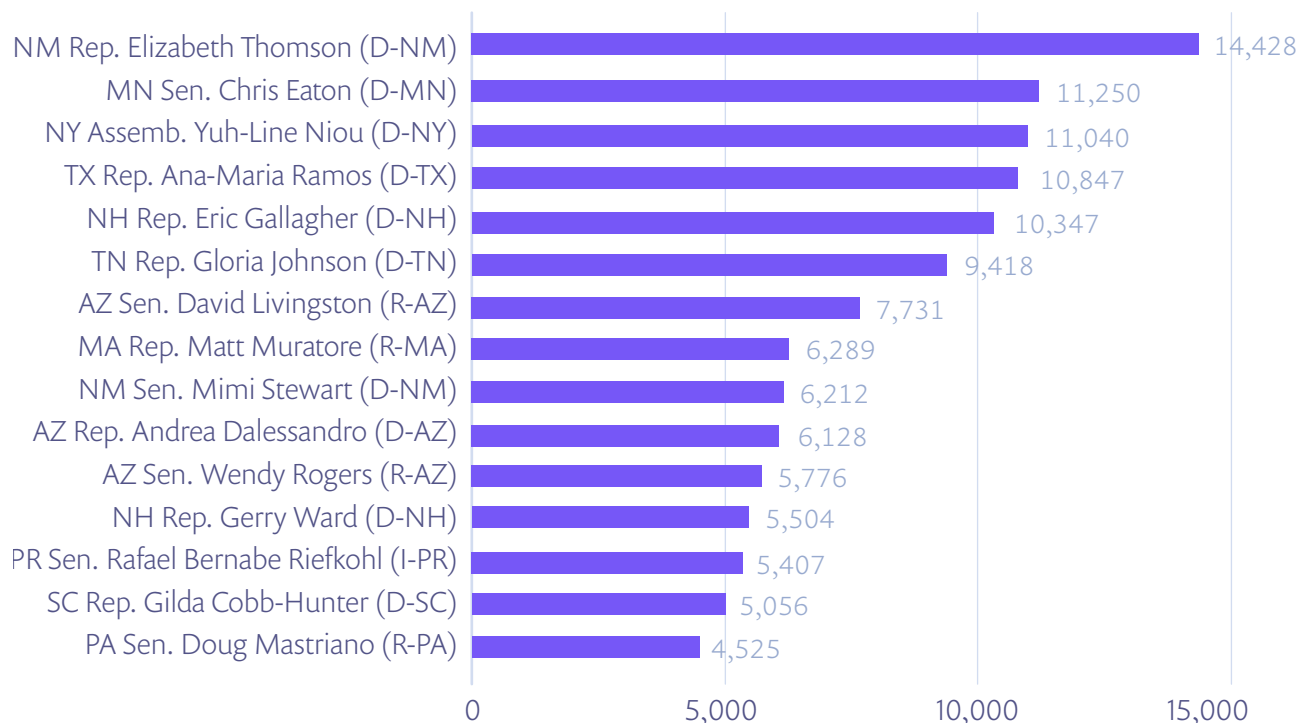
Thomson, who joined the legislature in 2013, was a physical therapist and served on the board of directors for the New Mexico chapter of the American Physical Therapy Association before becoming a politician.

Thomson's most commonly used word in her social media posts this year? Trump. She mentioned the



former president 116 times. Over 11,000 of her posts are retweets of other accounts, most frequently sharing content from @Michelle4NM (New Mexico Governor Michelle Lujan Grisham's campaign account), @rgoalierob (a progressive New Mexican constituent), @GovMLG (Grisham's official account), and @OccupyDemocrats.

Most Active Legislators on Twitter

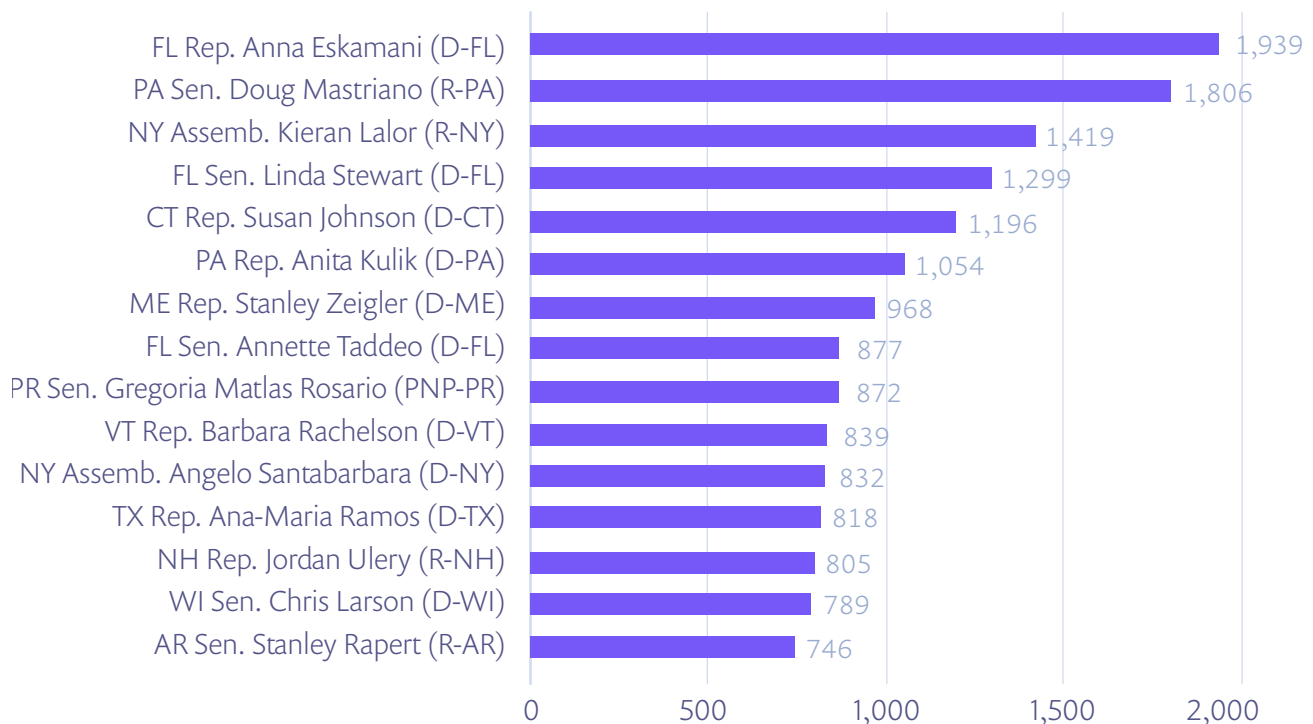


FL. Rep Anna Eskamani (D-FL) Posts Most on Facebook

Eskamani is active on Facebook and Twitter, coming in 4th on the most active list of tweeters. While she's not as active on Facebook as on Twitter, she did post in greater length when using Facebook. In addition, Eskamani used Facebook to share messages she otherwise wouldn't have been able to, like creating live events with her followers. Eskamani used Facebook Live to host weekly live events on veterans services, mental health, voter registration training, and more.



Most Active Legislators on Facebook



State Legislatures, Interest Groups, and the Press

At its best, social media is more than a megaphone for legislators' ideas. It's also a place for them to pass along the messages of the interest groups they agree with, react to the ones they don't, or share press related to their work.

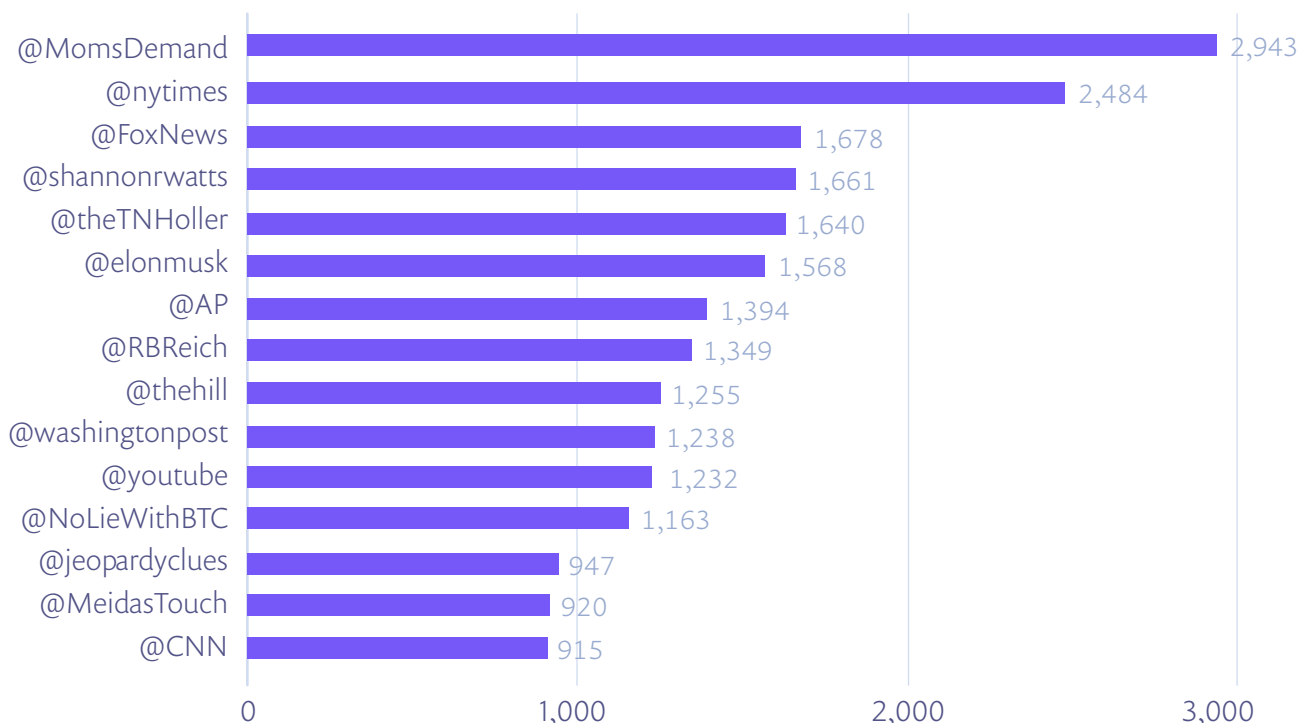
These are the accounts that got the most traction with legislators this year:

@MomsDemand Was the Most Mentioned Non-Government Account on Twitter

State legislators mentioned @MomsDemand — a grassroots movement of Americans fighting for public safety measures to protect people from gun violence — 2,943 times this year. Shannon Watts, the founder of Moms Demand Action, was also in the top five with 1661 mentions. @nytimes topped the list of press organizations legislators mentioned.



Non-Government Accounts Most Mentioned by State Legislators on Twitter

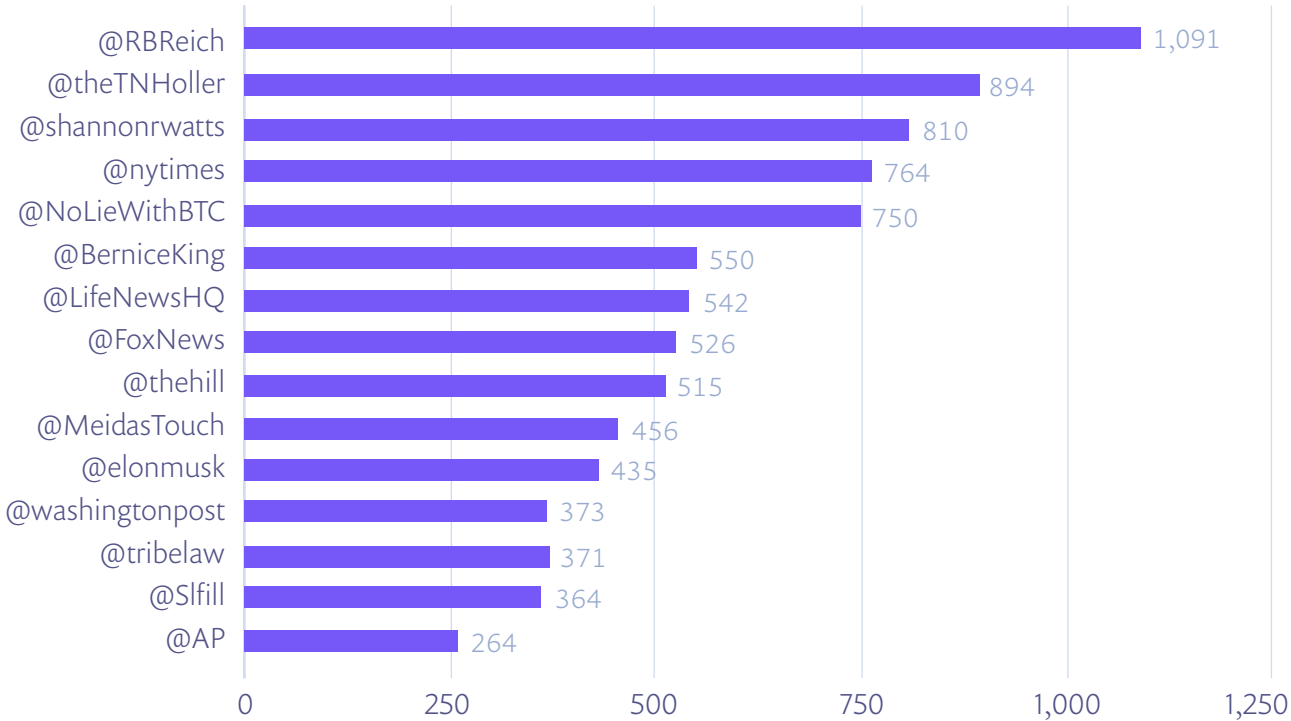


Former Secretary of Labor and Political Commentator @RBReich is Most Retweeted by Legislators.

New Mexico Sen. Mimi Stewart retweeted Reich 223 times this year, followed by Hawaii Sen. Karl Rhoads with 92. All retweets were — unsurprisingly — by Democrats. Reich has mastered summarizing the Democratic economic message succinctly and in plain language — making his tweets ripe for sharing with Democratic constituencies.



Most Retweeted Non-Government Accounts by State Legislators



While Democrats were retweeting Reich, Republicans were most frequently retweeting @LifeNewsHQ, a pro-life news outlet. 68 percent of retweets of @LifeNewsHQ were driven by two legislators — Arizona Senator David Livingston (189 retweets) and Arkansas Senator Stanley Rapert (177 retweets).



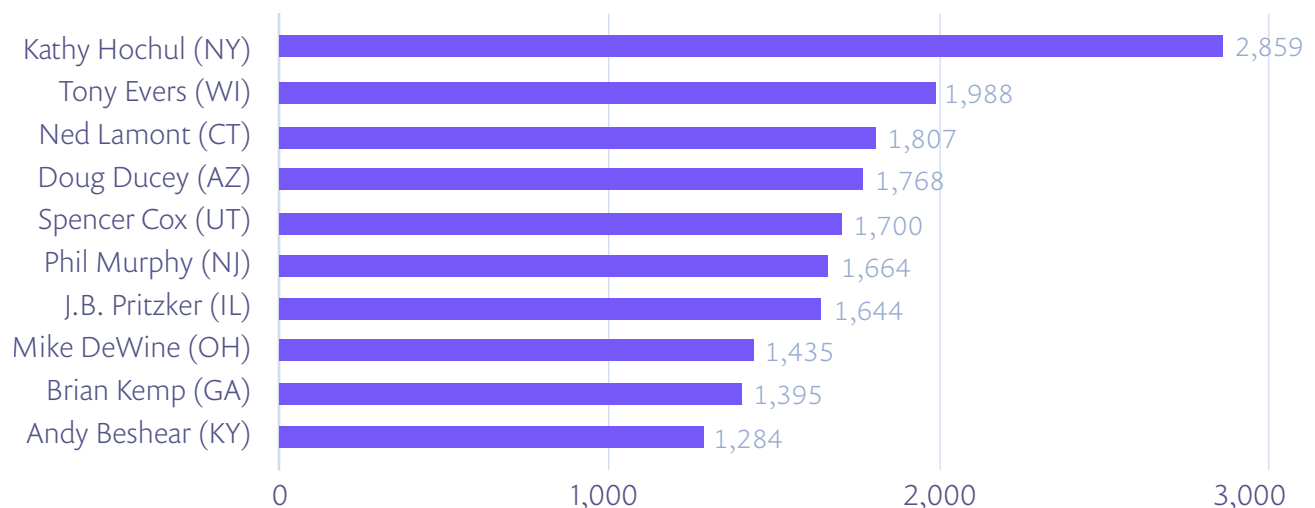
Governors on Social Media

Governors have been in the spotlight in recent years as they took the lead in managing the COVID-19 pandemic. They rolled out vaccine plans, introduced and removed mask policies, and set guidelines for businesses as they re-opened. Now with pandemic activity winding down, what did governors discuss this year on social?

In First Election Year Atop the Ticket, New York's Kathy Hochul Tops Gubernatorial Tweeters with 2,859.



Most Active Governors on Twitter



Hochul was thrust into the governor's mansion on August 24, 2021, with the resignation of Andrew Cuomo, making 2022 her first full year as governor and her first election year running for governor. Hochul used her platform to discuss COVID in New York, using the hashtag #covid 208 times. Her second-most used

hashtag? #nygovdebate with 31. She most frequently retweeted her Lieutenant Governor, Antonio Delgado.

Larry Hogan turns to Facebook Live for Bill Signings and Events

Hogan posted over 80 times with live feeds to different events he hosted or participated in, from signing 140 bills into law on May 16th to the groundbreaking of facilities across Maryland.

Most Active Governors on Facebook

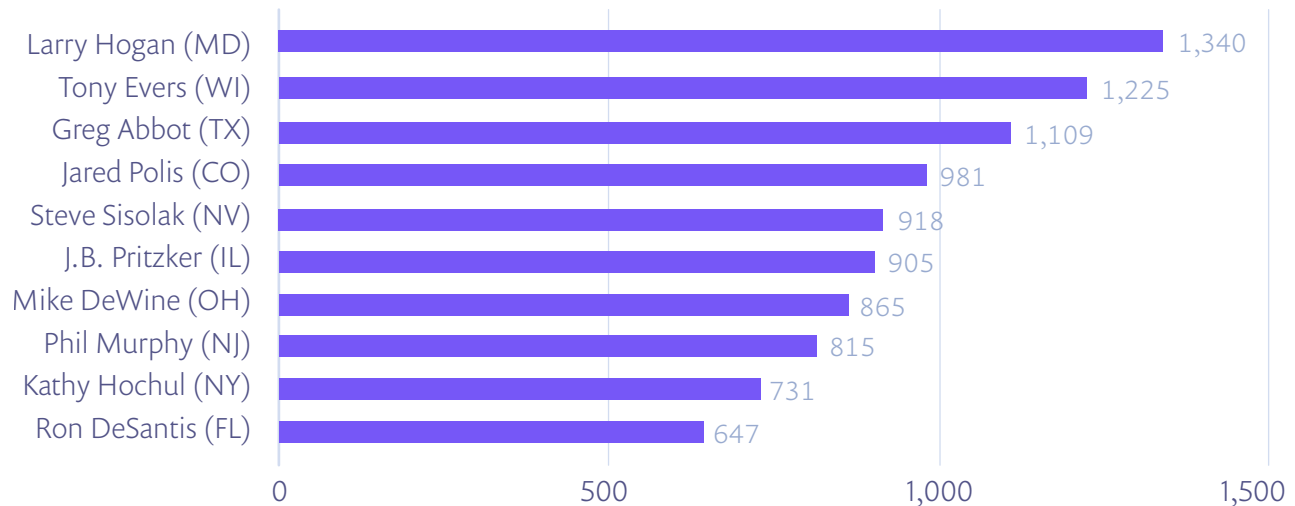


Photo: MDGovpics, Flickr.

Conclusion

2022 was a busy year for states — redistricting, landmark Supreme Court cases, federal spending, federal gridlock — all while legislators and governors build their cases for re-election.

And this pace isn't likely to slow down. The Supreme Court has another docket of cases that look to potentially give additional power to the states in the coming year with a continued 6-3 conservative advantage in the judicial body. In a year where legislators aren't up for election, how will they respond in 2023?

This report covers a large amount of data — tens of thousands of bills and millions of social media posts. To track similar trends on your organization's issues and to implement the strategies recommend in the “Tips for Public Affairs Teams” sections, learn more about Quorum's suite of products at quorum.us/products.

Use Quorum State to map, track, change, and report on your organization's policy landscape.

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